IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No. 75 of 2005

For Approval and Signature:

HON'BLE MISS JUSTICE R.M.DOSHIT

==========

1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

==========

ASHOKBHAI BHANDARI - Petitioner(s)

Versus

SURESH KANUBHAI DANTANI - Respondent(s)

==========

Appearance :

MR DIPAK R DAVE for Petitioner No(s).: 1.

MR AMIT C NANAVATI for Respondent No(s).: 1.

==========

CORAM : HON'BLE MISS JUSTICE R.M.DOSHIT

Date : 02/08/2005

ORAL JUDGMENT

Heard the learned advocates.

This Revision Application under Section 115 CPC has been preferred against the Jangam Warrant issued by the City Civil Court, Ahmedabad in Execution Petition

No.163/2004. The petitioner is the judgment-debtor. According to him the decree has been passed against him ex-parte.

Both the learned advocates agree that the petitioner may apply to the Tribunal below for setting aside the ex-parte decree passed against him. The compensation money deposited in the Tribunal be invested in a fixed deposit till the application for setting aside the ex-parte decree is decided by the Tribunal and subject to the further order that may be made by the Tribunal.

In view of the above consensus arrived at, it is directed that the petitioner may apply to the Tribunal below to set-aside the ex-parte decree, under Order 9 Rule 13 CPC. Such application shall be made within four weeks from today. If the application is made within four weeks as aforesaid, the compensation money deposited in the Tribunal below shall be invested in a nationalised bank in a fixed deposit till the application under Order 9 Rule 13 CPC is decided by the Tribunal and subject to the further orders that may be made by the Tribunal.

The Revision Application is allowed in the above

terms. The Jangam Warrant issued under Order dated 17th December, 2004 is set-aside. Rule is made absolute. The parties shall bear their own cost.

(Ms. R.M.Doshit, J.)

/moin